

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION DECLARING SURPLUS AND EMERGENCY DROUGHT RELIEF WATER
FOR ZONE 3 OF THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT IN THE AMOUNT OF 2,327 ACRE-FEET FOR WATER YEAR
2014-2015, AND FINDING THAT THE PROJECT IS EXEMPT FROM SECTION 21000 ET
SEQ., OF THE CALIFORNIA PUBLIC RESOURCES CODE (CEQA).**

The following Resolution is hereby offered and read:

WHEREAS, the Flood Control and Water Conservation District (“District”) and the City of Grover Beach, the City of Pismo Beach, the City of Arroyo Grande, the Oceano Community Services District and County of San Luis Obispo Service Area No. 12 (collectively, the “Zone 3 Contractors”) entered into Water Supply Contracts in or around August 2000 providing that the District shall supply certain quantities of water to the Zone 3 Contractors, and providing that the Zone 3 Contractors shall make certain payments to the District, and setting forth the terms and conditions of such supply and payment (collectively, the “Water Supply Contracts”); and

WHEREAS, the Water Supply Contracts provide for the distribution of Entitlement water (a combined 4,530 acre-feet per year among the Zone 3 Contractors) and Surplus Water to the Zone 3 Contractors as well as for the distribution of certain downstream releases (not to exceed 4,200 acre-feet per year unless required by law) subject to the priorities, conditions and limitations set forth therein; and

WHEREAS, Surplus Water for a given Water Year is calculated by subtracting from the Safe Yield of the Project (presently, 8,730 acre-feet per year) an amount equal to the sum of the quantity of water released downstream in the immediately prior Water Year and the quantity of Entitlement water delivered in the immediately prior Water Year; and

WHEREAS, the District is to notify the Zone 3 Contractors of the total amount of

Surplus Water available for purchase for the current Water Year; and

WHEREAS, in Water Year 2013-2014, the District delivered to each Zone 3 Contractor an amount of Project water in excess of its respective Entitlement, with the exception of County Service Area 12; and

WHEREAS, in Water Year 2013-2014, the District released 3,799 acre-feet downstream; and

WHEREAS, Surplus Water purchased by the Zone 3 Contractors not delivered by the end of the Water Year in question reverts to the District; and

WHEREAS, in the aggregate, over the last five (5) Water Years, deliveries to the Zone 3 Contractors and downstream releases total 2,327 acre-feet less than five (5) times the Safe Yield; and

WHEREAS, on January 15, 2014, the United States Department of Agriculture designated San Luis Obispo County along with twenty-six (26) other California counties as a Primary Natural Disaster Area; on January 17, 2014, the Governor of the State of California proclaimed a State of Emergency due to drought; and on March 11, 2014, the San Luis Obispo County Board of Supervisors proclaimed a local emergency due to ongoing drought conditions; and

WHEREAS, the California Department of Water Resources has reduced deliveries of State Water to five percent (5%) of contract allocations for calendar year 2014 with no indication that deliveries may increase in 2015; and

WHEREAS, the April 28, 2014 Northern Cities Management Area 2013 Annual Monitoring Report identifies declining groundwater levels and an immediate need to reduce groundwater pumping in the Northern Cities Management Area to lessen the risk of seawater intrusion into the groundwater basin; and

WHEREAS, the Zone 3 Advisory Committee did, at their May 15, 2014 meeting, approve a recommendation that the Board of Supervisors declare Surplus Water for Water Year 2014-2015 in an amount not less than 2,327 acre-feet, in recognition of the need to offset reduced State Water deliveries and groundwater pumping in the range of 750 to 1,696 acre-feet, respectively.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors

of the San Luis Obispo County Flood Control and Water Conservation District, State of California, that:

1. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Water Supply Contracts.
2. The amount of Surplus Water available for Water Year 2014-2015 is 501 acre-feet; 100 acre-feet resulting from unused Entitlement water not delivered to County Service Area 12 during water year 2013-2014, and 401 acre feet resulting from reduced downstream deliveries during Water Year 2013-2014.
3. In recognition of the degree of drought now afflicting the entire County and the need to manage all available water resources in the most prudent manner possible, an amount of water equal to the difference between five (5) times the Safe Yield of the Project and the amount of water actually delivered or released in the aggregate over the last five (5) Water Years minus the difference already accounted for in Paragraph 1, shall be made available as emergency drought relief water to the Zone 3 Contractors for delivery in Water Year 2014-2015; 2,327 acre-feet minus 501 acre-feet, for a total of 1,826 acre-feet of emergency drought relief water.
4. The total amount of Surplus Water and emergency drought relief water, 2,327 acre-feet, is to be offered and delivered pursuant to the Surplus Water terms and conditions of the Water Supply Contracts, including, without limitation, Article 4 (C)(1) which provides that Surplus Water shall be offered to the Zone 3 Contractors in accordance with their Proportionate Shares and which sets forth the rates for Surplus Water.
5. The proclamation and delivery of Surplus and emergency drought relief water is hereby determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15261, 15269, and 15301 of the State of California Guidelines for Implementation of the Environmental Quality Act.
6. The Environmental Coordinator of the County of San Luis Obispo is hereby directed to file a Notice of Exemption in accordance with provisions of the California Environmental Quality Act.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____

Deputy County Counsel

Dated: July 31, 2014

L:\MANAGMNT\AUG14\BOS\Surplus Water Reso Zone 3 EAS TC.docx.MH:mac